

TRIPURA



GAZETTE

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Agartala, Saturday, April 4, 2020 A. D., Chaitra 15, 1942 S. E.

PART--IV-- Bills introduced in the Tripura Legislative Assembly, Report of Selection Committees presented or to be presented to that Assembly ; and Bills published before introduction in that Assembly.....Nil

**TRIPURA LEGISLATIVE ASSEMBLY
SECRETARIAT
NEW CAPITAL COMPLEX
AGARTALA, TRIPURA, PIN - 799010
[Fax : (0381) 241 4095/9654]**

No. F.7(12-21)-LA/2020

Dated, Agartala, the 24th March, 2020.

NOTIFICATION

“ As required under Rule 117 of the Rules of Procedure and Conduct of Business in the Tripura Legislative Assembly, “ The Tripura Industries (Facilitation) (Amendment) Bill, 2020 (The Tripura Bill No. 2 of 2020) ” as introduced in the Assembly on the 20th March, 2020 to be published in the Tripura Gazette.”

SD/2
(B.P. Karmakar)
Secretary
Tripura Legislative Assembly

The Tripura Bill no. 2 of 2020

THE TRIPURA INDUSTRIES (FACILITATION) (Amendment) BILL,2020

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BILL

to amend the Tripura Industries (Facilitation) Act, 2018

BE it enacted by the Legislature of the State of Tripura in the seventy first year of the Republic of India as follows:-

1. Short title and commencement

This may be called the "**Tripura Industries (Facilitation) (Amendment) Act,2020;**";

(b) It shall come into force on the date of its publication in the Tripura Gazette.

2. Amendment of Section 3:

In the Tripura Industries (Facilitation) Act, 2018, (hereinafter referred to as the principal Act,) after sub-section (o) of section 3 the following new sub-section shall be inserted, namely:-

“3 (p). Single Window Clearance System” means a system for grant or time bound issue of no objection certificates, allotments, consents, approvals, permissions, registrations, enrolments, licenses, renewals or the likes, by any Authority or Authorities, or any other bodies in connection with setting up of an industrial undertaking in the State of Tripura.”.

3. Insertion of new Section 23 A :

After section 23 of the principal Act the following new section shall be inserted, namely:-

“23A. Right to Clearances and Grievance Redressal Mechanism:

(1) The State Government may by framing rules under the provisions of this Act, create a suitable Grievance Redressal Mechanism to effectively deal with the grievances filed by the applicants in relation to delay in clearances of applications.

(2) Willful delay, if any, on the part of an official involved in the process of according clearance, beyond the time limit fixed under the provisions of

section 18, pointed out either by the industry applicant or by the concerned Head of Department (HOD), shall attract a penalty of Rs.1000/- (Rupees One Thousand only), for each day of such delay, till approval is accorded or reasons of rejection or delay is furnished, subject to a maximum of Rs.25,000/- (Rupees Twenty Five Thousand only) in any particular matter. The state government shall, by framing rules, in accordance with the provisions of law in force, prescribe a fair and reasonable mechanism of impositions of such penalty. The amount of money, so collected as penalty, shall be credited to the consolidated fund of the state".

4. Amendment of Section 25

- (i) In section 25 of the principal Act, the words ' with the office of ' shall be substituted with the words " by two or more authorities from among ".
- (ii) In section 25 of the principal Act after the words ' Municipal Authorities ' the words "and such other authorities as the State Government by notification specify," shall be inserted.

5. Insertion of new Section 25A :

After section 25 of the principal Act the following new section shall be inserted, namely:-

"25A. Clearances from Tripura Urban Planning and Development Authority (TUDA): The State Government may by notification specify the clearance process, for according layout and building approval by Tripura Urban Planning and Development Authority (TUDA) and issue of permission for change of land use, for industrial or manufacturing purposes.".

STATEMENT OF OBJECTS AND REASONS

Industries require permission from various authorities and all these authorities work under various Acts of the Central and State Governments. There are different provisions related to the submission of application, payment of fees and minimum time required to issue or reject the permissions. Further, there was no mechanism for monitoring, appeal, penalties etc., which is causing abnormal delay in obtaining approval/clearances. Also, there was no Act in Tripura to support the Single Window Clearance (SWC) system.

- Therefore, Tripura Industries (Facilitation) Bill, 2018 was passed by the Tripura Legislative Assembly on 28th June, 2018. The Bill was sent for Presidential assent due to the reason of its repugnancy to the provisions of existing Central Acts like Industrial (Development and Regulation) Act- 1951, The Factories Act- 1948, The Indian Boilers Act, 1923 etc. The Bill was reconsidered in view of the clarifications sought by Ministry of Law & Justice, Government of India and the amended Bill was passed by the Tripura Legislative Assembly again on 26th February, 2019 and sent for Presidential Assent again.
- The Bill has received the assent of the Hon'ble President of India on 10th August, 2019 and has been enacted into an Act vide notification dated 28th August, 2019.
- However, the existing Act does not have the following provisions, some of which are recommended by Department of Industrial Promotion and Internal Trade, Government of India :
 - Right to Clearances and Grievance Redressal Mechanism under which penalty for willful delay, if any, on the part of an official involved in the process of according clearance, beyond the time limit fixed under the provisions of section 18 of the existing Act.
 - Clearances from Tripura Urban Planning and Development Authority (TUDA).
 - Definition of Single Window Clearance System.
 - Conducting joint inspection by authorities other than specified under section 25.
- With this background, it is proposed to amend the existing Act for which it is proposed to introduce "The Tripura Industries (Facilitation) (Amendment) Bill, 2020" (Tripura Bill No. 2 of 2020) to create an investor friendly environment in the State that would pave the way for rapid industrialization of the State.

The Bill seeks to achieve the aforesaid purpose

TECHNICAL MEMORANDUM

The subject matter of the The Tripura Industries (Facilitation) (Amendment) Bill, 2020 (The Tripura Bill No. 2 of 2020) is relatable to Entries 24 of List-II (State List) and 23,24,24,36 and 37 of List-III (Concurrent List) of the Seventh Schedule to the Constitution of India and therefore the State Legislature is competent to make a law on these subjects.

- The Bill does not attract the provision to clause (b) of article 304 of the Constitution of India and therefore previous sanction of the President of India is not required for introducing or moving of the Bill in the State Legislature.
- It is not a Money Bill within the meaning of Article 199 of the Constitution of India. This is not a Financial Bill, as it will not involve any additional expenditure from the Consolidated Fund of the State, if enacted and brought into operation. Therefore, prior recommendation of the Governor under Clause (1) or (3) of Article 207 of the Constitution of India, is not required for introduction, moving or consideration of the Bill by the House of the State Legislature.

FINANCIAL MEMORANDUM

The Tripura Industries (Facilitation) (Amendment) Bill, 2020 (The Tripura Bill No.2 of 2020) if enacted and brought into operation, there shall be no additional annual expenditure from the Consolidated Fund of the State. Existing manpower in Department of Industries & Commerce and infrastructure like space, computers and other office equipments will be used. Also, if approved, as recommended by Department of Industrial Promotion and Internal Trade, Government of India, penalty for willful delay, if any, on the part of an official involved in the process of according clearance, beyond the time limit fixed will be imposed and credited to the consolidated fund of the state.

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No. F.7(12-20)-LA/2020

Dated, Agartala, the 24th March, 2020.

NOTIFICATION

“ As required under Rule 117 of the Rules of Procedure and Conduct of Business in the Tripura Legislative Assembly, “ The Tripura Land Revenue and Land Reforms (Eleventh Amendment) Bill, 2020 (The Tripura Bill No. 3 of 2020) ” as introduced in the Assembly on the **20th March, 2020** to be published in the Tripura Gazette.”

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(B.P. Karmakar)

Secretary

Tripura Legislative Assembly

THE TRIPURA LAND REVENUE AND LAND REFORMS
(ELEVENTH AMENDMENT)BILL, 2020

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BILL

to further amend the Tripura Land Revenue and Land Reforms Act, 1960.

BE it enacted by the Tripura Legislative Assembly in the Seventy-first year of the Republic of India as follows:

1. Short title and commencement:

- (i) This may be called “The Tripura Land Revenue and Land Reforms (Eleventh Amendment) Bill, 2020”.
- (ii) It shall come into force on and from the date of its publication in the Tripura Gazette.

2. Addition of a new proviso:

Below the proviso to sub-section (1) of section 178 of the Tripura land Revenue and Land Reforms Act, 1960 the following new proviso shall be inserted, namely.

“Provided further that, any land, being used for growing tea or purpose ancillary to or extension of the cultivation of tea, in respect of which exemption has been granted, may be allowed to exploit tourism potential within the land for growing tea plantations from any future date, but the land meant for such tea tourism shall not exceed five percent of the total land area, subject to an upper limit of twenty acres. Civil constructions, only for the purpose of such tea tourism may be done in such area, which shall not exceed 3.5 acres within the above limit and the remaining area should be kept open for landscaping and other beautification work”.

STATEMENT OF OBJECTS AND REASONS

1. The Tripura Land Revenue and Land Reforms (Eleventh Amendment) Bill, 2020 (the Tripura Bill No- 3 of 2020) will allow individual tea gardens to exploit tourism potential.

2. The Bill proposes to allow tea gardens to undertake tea tourism in a limited manner, including development of tourism infrastructure and exploring proper utilization of abandoned and unusable areas in tea gardens for generating employment and income to the people living in the tea garden areas. Tea tourism will boost the economy of the state, playing larger role toward economic development and creating opportunities for entrepreneurs in creating marketing opportunities in different sectors. It will open up employment opportunities. It will also boost the financial condition of the tea gardens with diversification, as the tea garden face periodic setbacks in prices in the market place.

3. One option may be to convert a portion of the tea garden into khas by withdrawing the retention order. Instead, it is proposed that the land retained under section 136(1)(f) of the TLR & LR Act 1960 and exempt from the operation of section 164 of the TLR & LR Act 1960 and being used for growing tea under section 178(1)(a) TLR & LR Act 1960 be allowed for tea tourism. This will ensure integration of tourism with the tea gardens.

4. The term “tea tourism” is the experience of tourists in the tea garden, staying in a heritage bungalow, home stay feeling in a tea village or in a modern resort. Trekking in the natural beauty of a lush green tea garden, visiting tea processing factory are all within the idea of “tea tourism”.

5. In view of the above, to allow the individual tea garden to exploit tourism potential it is desirable to add a proviso to sub-section (1) of section 178 of the Tripura Land Revenue and Land Reforms Act, 1960.

6. The bill seeks to achieve the above objectives.

TECHNICAL REPORT

The subject matter of The Tripura Land Revenue and Land Reforms (Eleventh Amendment) Bill, 2020 is relatable to Entry 18 of the State List (List-II) of the Seventh Schedule of the Constitution of India, and therefore the State legislature is competent to make a law on the subject.

2. None of the provisions of this Bill is repugnant to any provision of existing central Act on the same subject or the Constitution of India.
3. The Bill does not attract the proviso to clause (b) of article 304 of the Constitution of India and therefore previous sanction of the President of India is not required for introducing or moving of the Bill in the State Legislature.
4. It is not a Money Bill within the meaning of Article 199 of the constitution of India, nor it is not a Financial Bill, as it will not involve any additional expenditure from the Consolidated Fund of the State, if enacted and brought into operation. Therefore, prior recommendation of the Governor under clause (1) or (3) of Article 207 of the Constitution of India, is not required for introduction, moving or consideration of the Bill in the House of the State Legislature.